



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

MAR 13 2018

The Honorable Dianne Feinstein
United States Senate
San Francisco Office – Attention: Ms. Aily Zhang
One Post Street, Suite 2450
San Francisco, CA 94104

Dear Senator Feinstein:

Thank you for your February 16, 2018 letter to the U.S. Environmental Protection Agency (EPA) on behalf of your constituent Jeff Marcus regarding Tahoe Asphalt, located at 1104 Industrial Ave in South Lake Tahoe, California. I have been asked to respond to your concerns.

The EPA became aware of Mr. Marcus' concerns in 2014. As discussed with Aily Zhang of your San Francisco Office, El Dorado County is delegated to handle compliance issues related to the Clean Air Act, with oversight from the EPA. In response to Mr. Marcus' concerns, EPA held meetings with El Dorado County Air Quality Management District ("EDC AQMD"), reviewed the Toxic Assessment performed by EDC AQMD, evaluated potential federal rules that may apply and inspected the source. EPA does not believe that any federally enforceable rule or regulation has been violated by the facility. Tahoe Asphalt is a minor source and does not trigger the applicability of the emissions threshold to obtain a federally enforceable permit, such as a Title V permit.

The Clean Air Act does not specifically regulate odor, however, odors are typically addressed through State nuisance regulations or common law of affected States. EDC AQMD has a process to respond to odors and provided significant documentation of their responses to complaints. The EPA is satisfied with the considerable effort EDC AQMD spent looking into complaints about Tahoe Asphalt. EDC AQMD has done numerous inspections of the facility.

The EPA has done a thorough investigation and we found no violation of any federally enforceable rule nor regulation, and as such, are unable to take further action. The EPA sent Mr. Marcus a similar letter on July 2, 2014, recommending he contact EDC AQMD with any future concerns. As requested by Ms. Zhang, we recently provided her via email with the EPA inspection report and several EDC AQMD documents detailing their recent activities at the facility.

I trust that this information is helpful to your inquiry on behalf of your constituent. If you have further questions, please have your staff contact our Congressional Liaison, Brent Maier, at 415.947.4256 or via e-mail at maier.brent@epa.gov

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathleen H. Johnson".

Kathleen H. Johnson
Director, Enforcement Division

Cc: Dave Johnston, EDC AQMD